REMARKS/ARGUMENTS

The action by the Examiner of this application, together with the cited references, have been given careful consideration. Following such consideration, claims 1, 6, 9, 12, 13, 16, 21 and 32 have been amended to define more clearly the patentable invention applicant believes is disclosed herein. Moreover, claims 5, 7-8, 10-11, 15, 17-20, 23-31 and 34-41 have been canceled. Claims 2-4, 14, 22 and 33 are unchanged by the present amendment paper. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

The Examiner has rejected claims 1, 2, 5-6, 13-14, 16, 22-24, 27-28, 31, 33-37, and 40-41 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,882,590 to Stewart et al.; rejected claims 3-4, 15, and 25-26 as being obvious in view of the combined teachings of Stewart et al. '590 and Philipp, "Charge Transfer Sensing;" rejected claims 7-9, 12, 17-18, 21, 29-30, 32 and 38-39 as being obvious in view of Stewart et al. '590; rejected and claims 10-11 and 19-20 as being obvious in view of the combined teachings of Stewart et al. '590 and U.S. Patent No. 5,470,754 to Rounbehler et al. It is respectfully submitted that none of the cited references teaches or suggests the applicant's invention as now defined by the present claims.

Independent claim 1 now recites (in part):

> control means for receiving a measured value from said sensing means indicative of the electrical property of the capacitor, said control means capable of detecting the presence of miscible and immiscible contaminants in the fluid, wherein said control means:
>
> (a) determines the presence of a miscible contaminant in the fluid if the measured value deviates a predetermined amount from a threshold value, and
>
> (b) determines the presence of an immiscible contaminant in the fluid if said measured value spikes from a base value during a predetermined time period.

Independent claim 13 now recites (in part):

> detecting the presence of a miscible contaminant in the fluid if the measured value deviates a predetermined amount from a threshold value, and

detecting the presence of an immiscible contaminant in the fluid if the measured value spikes from a base during a predetermined time period.

The claimed invention as defined by the independent claims, now determines or detects the presence of a miscible contaminant or an immiscible contaminant in the fluid, based upon the measured value.

The Examiner acknowledges that Stewart '590 does not disclose a "control means detecting a spike in the measured value to determine whether a contaminant is present in the fluid." Accordingly, the Examiner relies upon Rounbehler et al. '754 for disclosing "detecting a spike to determine the presence of a contaminant." It is respectfully submitted that Rounbehler et al '754 does not determine or detect the presence of a an immiscible contaminant in a fluid if a measured value spikes from a base value during a predetermined time period, as required by the independent claims 1 and 13.

Rounbehler et al. '754 discloses a method and system for sampling and determining the presence of certain substances, such as residues or contaminants within containers such as glass or plastic bottles, as they move along a conveyer. Rounbehler et al. use a *chemiluminescence analyzer* as a detector. The signals illustrated in Rounbehler's FIGS. 6 and 7, that are referenced by the Examiner, are generated by an analyzer system shown in FIG. 3. A sample from a container is inspected by evacuating it into a sample tube 20 and passing it through a filter 40 and flow restrictor 42. The sample is then split into two parallel flow lines connected to parallel converters P1, P2. Converter P1 is preferably a ceramic converter so that the portion of the sample being heated therein is heated in the presence of ceramic materials. Converter P2 is preferably a nickel converter so that the portion of the sample being heated therein is heated in the presence of nickel oxide. The output of container P1 is connected to the input of a *chemiluminescence detector assembly D1* and the output of the nickel converter P2 is connected to the input of a *chemiluminescence detector assembly D2*.

Rounbehler's FIGS. 6 and 7 show amplitude versus time graphs of signals output from *chemiluminescence detectors D1 and D2* for various substances to be detected (see column 7 lines 54 *et. seq.*) The sharp spike-like signals shown in FIG. 6 are not associated with electrical properties of a capacitor. Thus, it is respectfully submitted that there is no suggestion or

motivation for one skilled in the art to apply concepts from Rounbehler et al. '754 in connection with the chemical sterilant concentration monitoring and control system of Stewart et al. '590. Moreover, in contrast to the present invention, the signals of FIGS. 6 and 7 are not used in connection with the detection of miscible and immiscible contaminants in a microbial decontamination process.

The remaining claims depend from independent claims 1 and 13. Thus, it is respectfully submitted that these claims are patentable over the cited references for at least the reasons set forth above in connection with independent claims 1 and 13.

In view of the foregoing, it is respectfully requested that the prior art rejections be withdrawn.

The cited references made of record and relied upon have also been reviewed. It is respectfully submitted that none of these additional references teach or suggest the applicants invention as defined by the present claims.

In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters that need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

It should be noted that **Information Disclosure Statements** have been filed on the following dates: **October 14, 2004, October 29, 2004, November 23, 2004 and December 1, 2004.** It is respectfully requested that the Examiner consider these Information Disclosure Statements, and provide the applicant with acknowledgment thereof.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. ST8653.3US.

Respectfully submitted,

Date: December 7, 2004

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I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: December 7, 2004

Name: Crystal Belknap